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**From:** Shore, Berry  
**Sent:** Wed 8/12/2015 1:30:11 PM  
**Subject:** Early Morning Clips

## **Improvements to keep water safe in Chester**

By MARK KITCHIN Staff Writer

Posted: Tuesday, August 11, 2015 5:00 pm

Observer Tribune

CHESTER TWP. - It took six years of work and cooperation but officials said on Tuesday that residents living in close proximity to the Combe Fill South Landfill Superfund site can now be assured of having water fit to drink.

Tuesday marked the completion of a \$9 million water line extension that will provide safe drinking water to 73 homes and businesses threatened by contaminated ground water. Those homes will no longer need treatment systems to use the water in wells that may possibly contain contaminants.

Mayor Bill Cogger and Environmental Protection Agency (EPA) Superfund Director Walter Mugdan marked the project's completion by thanking those workers from state agencies, Chester and Washington Township and the Washington Township Municipal Utilities Authority for their efforts in completing the complex project.

"We got a tremendous deal to the benefit of everybody," Cogger said. "The story here is that sometimes government works. It worked for the benefit of the people which it intended. I can't tell you that there wasn't anybody in the process that was obstructive without cause. Now there's nothing left to do in terms of the line."

Sen. Anthony Bucco, R-Morris, was on hand to celebrate the completion of the project which included cooperation from a variety of local government departments as well as the state Department of Environmental Protection (DEP) and the N.J. Highlands Commission.

“Government’s responsibility, especially local government, is to protect the public’s health, safety and welfare,” Bucco said. “The mayor’s tenacity in that Combe Fill case — when you look back on it and think about it — is exactly what a local official needs to do. We need to remember that it’s an important responsibility to protect the health, safety and welfare of the public. By doing that he brought, federal agencies, municipal agencies, state agencies and put all of it together to make sure the residents of this area have clean and safe drinking water. I applaud all the agencies that got together to make this project possible. This is a great day for Chester and Washington Township.”

## Broad Landfill

The Combe Fill South Landfill Superfund Site encompasses 115 acres and extends into parts of Chester and Washington townships.

The site was a landfill from the 1940s until 1981 when soil and groundwater beneath the site were found contaminated by volatile organic compounds from the landfill. Traces of chemicals such as benzene, ethylbenzene, toluene and chlorethane were found there as well as other pollutants.

In 1978, the Combe Fill Corporation bought the landfill but did the corporation went bankrupt in 1981 and the landfill was not closed properly. It was added to the EPAs list of Superfund sites in 1983.

About 170 people live within half a mile of the site, with most of them using private wells as a water source. In the 1990s, the DEP provided point of entry water systems for homes and businesses with wells that could be contaminated. However, it was found later on that the replacement systems could not eliminate certain dioxins that were seeping into the wells, according to a statement from the EPA.

The new water line eliminates that problem. It connects homes and businesses along Parker Road, School House Lane and a section of Route 24. It will be operated and maintained by the Washington Township Municipal Utilities Authority.

The project began with a \$69 million cost recovery settlement issued in federal court in 2009. The settlement provided funds that paid for the project. It took two years to put together the necessary designs and permits. Construction finally started in July 2013, the EPA statement said.

Nearly 18,000 linear feet of water main was installed. There were 80 service connections added including one at a local park. There were 27 fire hydrants installed and a new well house for the well to be used were constructed. A booster pump station that ties together the high and low portions of the system was constructed. It includes an emergency generator.

A re-chlorination system also was added that ensures that the water that gets delivered still has the required amount of disinfection.

The project is at an end but the EPA will continue monitoring the site as it does all of its Superfund sites. Although the site is capped and all clean up measures pertaining to it considered successfully completed, there are concerns of further pollutants seeping into deep water aquifers. A study of the landfill's impact on deeper groundwater continues, the EPA statement said.

"We are going to keep reminding them to study," Cogger said. "We are going to make sure that happens."

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## **Activists urge state to deny pipeline permit**

By Joe Mahoney Staff writer

Updated: 6:49 am, Wed Aug 12, 2015.

The Daily Star.com

State environmental regulators would be on solid legal footing if they trip up the Constitution Pipeline project by denying a crucial water certificate to the consortium of companies behind the \$700 million underground natural gas transmission system, a lawyer fighting the project said Tuesday.

"The DEC (Department of Environmental Conservation) has the right to override the decision of FERC (Federal Energy Regulatory Commission)," Anne Marie Garti of East Meredith, an attorney with the Pace Environmental Law Clinic and an activist with Stop the Pipeline, said.

Her comments came after she participated in what she called a spirited rally in Albany that was intended to let state leaders know that dozens of environmental groups now stand opposed to the 124-mile project, which would cross Broome, Chenango, Delaware and Schoharie counties.

Should the DEC issue the needed certificate, the agency would likely be sued by environmental groups. Should it deny the permit, it could potentially be sued by the Constitution Pipeline planners, who have already convinced FERC that the system's adverse environmental impacts can be mitigated to the point where they will be less substantial.

The company expected a decision from DEC last month, and the reason for the delay by state officials has not been stated. However, several people following the project closely believe the final decision on the permits will be made only after there is close review by top officials in the administration of Gov. Andrew Cuomo.

The governor has yet to make any statements on the pipeline project, though the state's energy plan envisions increased reliance on natural gas to replace home heating oil.

Christopher Stockton, spokesman for the Constitution Pipeline, said the company has been working closely with DEC "for years."

"We have listened to NYSDEC and have taken significant steps to satisfy all of the agency's concerns," Stockton said in a statement. "We have altered more than half of the originally planned route to address landowner and environmental concerns, including a recently reroute in response to NYSDEC's request to avoid potential impacts to environmentally sensitive wetlands located within the Charlotte Forest. And, as mitigation to offset unavoidable impacts, we have developed mitigation plans that will ultimately result in a net gain in wetlands and additional habitat for wildlife"

Garti said the mood of those demonstrating against the pipeline in Albany was "buoyed" by the fact that several prominent New York environmental groups, including the Sierra Club, have joined the battle.

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## Federal appeals court hears arguments on polar bear habitat

Last updated: Tuesday, August 11, 2015, 7:13 PM

By DAN JOLING

Associated Press

ANCHORAGE, Alaska (AP) — A federal plan designating a huge swath of the U.S. Arctic as critical polar bear habitat should be upheld over the objections of the state of Alaska, petroleum industry groups and communities along Alaska's north coast, a Justice Department lawyer told an appeals court Tuesday.

Robert Stockman acknowledged that the U.S. Fish and Wildlife Service plan designating an area larger than California as critical habitat lacked specifics, such as the exact sites where polar bears establish dens. But the agency acted based on the best data available from polar bear experts as is required by endangered species law, he said.

"The service had to make a judgment call based on limited data," Stockman said.

Polar bears, a marine mammal, were declared a threatened species in 2008 under former President George W. Bush because of diminishing sea ice brought on by global climate warming. Polar bears use sea ice to breed and hunt ice seals.

An endangered species listing requires the agency overseeing the species to develop a plan to help the population recover. The designation of a species' critical habitat does not automatically block development, but it requires federal officials to consider whether a proposed action would interfere with the recovery of a threatened population.

The U.S. Fish and Wildlife Service habitat plan designating 187,000 square miles of polar bear critical habitat drew lawsuits from the state of Alaska, petroleum trade

associations, local governments and Alaska Native businesses with interests in the Alaska Arctic. The state and the trade associations said the designation would cost millions and to lead to delays in projects, additional consultations with layers of government and litigation for development projects.

About 95 percent of the polar bear habitat plan covers ocean. In considering the combined lawsuits, U.S. District Court Judge Ralph Beistline in 2013 found no problem with the marine portion of the habitat plan.

The remaining 5 percent covered barrier islands along the coast and land used by female polar bears for creating dens and giving birth. Beistline concluded the agency had not shown that the geographical features needed by bears were present on much of the coastal land designated as critical habitat.

Attorney Jeffrey Leppo of Seattle, representing the state and the trade associations, told the three-judge panel of the 9th Circuit Court of Appeals that the agency had shown the presence of birthing dens on just 0.2 percent of the land portion of the habitat designation and had arbitrarily chosen additional swaths along the Alaska coast.

"We're saying there is no science to support these decisions," he said.

Stockton, however, said that even the limited data showed polar bears traveling up to 50 miles inland. Not all dens could be documented, he said, and birthing females could not be expected to take direct paths to prime den sites. It could have been argued, he said, that the protected habitat designation on land was too small.

Rebecca Noblin, an attorney for the Center for Biological Diversity, which intervened with other environmental groups in the case, said that when there are uncertainties in data, the law requires decisions in favor of protecting the threatened species. Polar bears will largely disappear unless greenhouse gas emissions can be reduced to halt the continued loss of summer sea ice, experts say.

"If we want them to survive long enough for that to happen, we have to throw everything we've got at protecting them from other threats," Noblin said.

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## **EPA says Clean Power Plan Will Protect Public Health**

By Michelle Faust • 17 hours ago

WXXI News

New carbon standards announced early this month by President Obama in the Clean Power Plan are also intended to improve your health. The regulations aim to bring down the 7,500 deaths per year linked to particle pollution from power plants.

The Environmental Protection Agency calls Climate Change a threat to human health. Judith Enck, EPA administrator for the region that includes New York, says the new standards will make the air easier to breathe for people with respiratory illnesses, like the 25 million Americans who live with asthma. "We're also reducing air pollutants that cause smog and soot by about 25 percent. So, that'll have some real health benefits to New Yorkers, as well," says Enck.

Rising global temperatures have also taken a toll on public health. "Nighttime temperatures are staying warmer. Usually it cools down at night, but that's not happening this summer. So, they're seeing more hospital admissions in the nighttime hours for people who are struggling with heat," says Enck.

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## **Editorial: A regressive approach**

Posted: Tuesday

August 11, 2015 12:21 pm

The Daily News (Genesee, Orleans and Wyoming NY Counties)

Last Monday, President Barack Obama ordered the implementation of even more egregious regulations over electric-power generation in an effort to slow the effects of an ever-warming climate.

The U.S. Environmental Protection Agency initially had proposed rules that would have reduced carbon emissions by 30 percent. The rules promulgated Monday made the reduction more aggressive — 32 percent.

These new rules could hit New York City and the rest of the state especially hard and may even reduce the reliability of our electric power supply. Look at these highlights about New York's performance over the last decade as one of the few states with a deregulated power generation/distribution system:

Since the turn of the century, New York has increased its fuel efficiency by 27 percent — a reduction in fuel consumption over three times more than the entire country has achieved.

New York has reduced its cost of fuel by \$6.4 billion.

Implementing a market-based power sourcing and distribution management system since 2000 has reduced the need for electric power generation reserves, avoiding costs of \$540 million.

New York has cut carbon emissions 25 million pounds between 1999 and 2013.

These successes in effective management of the state's electric power generation footprint are threatened by the new EPA regulations.

The New York Independent System Operator pointed out to the EPA in December that these proposed rules "presented serious reliability implications for New York City."



Calling the foundation of the EPA rulemaking flawed, NYISO wrote that carbon dioxide emissions in New York are 41.6 percent lower than 2005 and that 53 percent of the state's power comes from sources that do not emit greenhouse gases. More than 15 percent of our power comes from hydroelectric across the state.

NYISO argued that the assumptions of the EPA plan failed to properly consider that New York generates 46 percent of its power from dual-fuel plants. Most of them are in New York City, and NYISO switches fuel between natural gas and oil to ensure an absolutely reliable source of power so that mass transit and elevators are available to move the millions of people who live in the greater New York City area. Reliability is essential if you live on the 50th floor of a high-rise building — the elevator needs to work all of the time.

NYISO argued that despite its progress over this century in managing New York's electric supply and reducing polluting emissions, the EPA rules for coal-fired units penalized the state. New York has so few coal-fired units that it would have to meet the new standards by attempting to wrest emission reductions from other generation units, which have already been modernized to produce minimal polluting gases. EPA's new rules could actually "increase the unit's total carbon dioxide emissions and require the unit to operate at an economic deficit," according to NYISO.

NYISO criticized rules on natural gas use arguing that the new rules would make it harder for NYISO to maintain reliability and reduce emissions. ...

New York's use of clean-burning natural gas to clean up the environment (depending upon oil only to protect reliability of the power), hydro power and aggressive exploitation of the wind was glossed over in the proposed new rules. The EPA would have required us to fix a system we have already markedly improved.

New York leads the way in a diverse, nonpolluting power-generation system. Our focus now has to be on the transmission network so that the upstate's clean-power generating facilities can better deliver their energy to New York City and environs.

The good news was that it appears that NYISO's points may have been considered and

even heeded. The new rules may have reduced their initial sting by offering potential relief from the regulations that impacted reliability.

The EPA also seems to recognize the Northeast's Regional Greenhouse Gas Initiative. And it gives New York credit for many of its successes.

The apparent improvement of the rules over the first proposal provides state-power consumers some solace. But the state needs to be wary since the original plan was so fraught with poor methodology.

The new rules cover 3,600 pages — more than enough verbiage to hide other less-obvious negative impacts on New York. The issue of clean air and an adequate yet affordable source of power is an admirable goal that New York wholeheartedly endorses.

However, the added complication of politically motivated environmental grandstanding by Mr. Obama is not in the best interests of New York. The solutions sought require public debate, and a legal framework needs to meet the goals must be resolved by Congress and the president working together, not in a series of court cases that are already being prepared across the nation.

It is time for a blackout on implementing the new rules.

(Johnson News Service)

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## **Commentary | Clean Power Plan can benefit Ky.**

By Thomas Pearce

8:42 a.m. EDT August 11, 2015

Daily Record

Last week, President Obama and the Environmental Protection Agency released the Clean Power Plan. Make no mistake about it: This plan is historic. Before it there had been no limit to the amount of carbon pollution that power plants could dump into our air, wreaking havoc on our health and our climate.

Here in Kentucky, the effects of carbon pollution have real effects. Our changing climate causes dangerously hot weather to occur more frequently, endangering seniors and other vulnerable populations. It also causes increasingly extreme storms and weather conditions.

When coupled with smoggy air, extreme heat leads to severe health risks, including asthma, heart attacks and even premature death. Adults in our state have a 9.5 percent asthma rate — and, across the country, asthma rates are growing. Public health risks are especially burdensome for communities with limited incomes, where an asthma attack isn't just scary, it's expensive — the costs felt in hospital visits and missed work days.

That's why the Clean Power Plan is critical. Not only will it combat the underlying causes of climate disruption by cutting down on carbon pollution, but it also will save Americans billions in avoidable health costs. Studies show that for every dollar invested through the Clean Power Plan, Americans will save \$7 in health costs thanks to the soot and smog reductions alone.

And the Clean Power Plan's common-sense goals allow states to create a program that works for them. Some states may choose to comply using their abundant wind and solar resources. Kentucky has decent wind and solar, but an even more valuable resource may be its untapped energy efficiency potential.

As a heavy manufacturing state, about half of Kentucky's electricity is used for industrial operations. Yet would you believe that, until this year, Kentucky's power companies have never been required even to investigate whether those industrial customers could make their operations more efficient, lowering all our bills by reducing utilities' need to procure expensive fuel and generating capacity? Last month the Kentucky Public Service Commission ordered Louisville Gas & Electric and its sister company Kentucky Utilities to do just that.

Investing in energy efficiency isn't the only way to comply with the Clean Power Plan. One of the reasons Kentucky has so much work to do on reducing carbon is that there are still so many 1960s-vintage power plant clunkers still around. Many of these can easily be phased out over the next 15 years, not only reducing Kentucky's carbon emissions, but also saving ratepayers money. Some examples:

The Elmer Smith plant, located in Owensboro, is so old and inefficient that the city is desperately trying to pawn off ownership shares on unsuspecting neighbors like Frankfort, Berea and Madisonville. This plant faces millions of dollars in annual costs to comply with solid waste regulations. And despite having installed equipment to reduce emissions that lead to smog, Owensboro often turns off that equipment to try to stay afloat.

TVA's Shawnee plant, located in Paducah, is one of the oldest coal plants still operating anywhere in the country without a retirement plan. Its remaining nine units are all 60 years old or older. Shawnee's sole customer — the USEC uranium enrichment plant — closed last year. TVA can easily phase it out without causing disruption to electric reliability or customers' bills.

LG&E-KU's EW Brown power plant, located in Harrodsburg, produces more expensive power than other plants both inside Kentucky and in neighboring states. In LG&E-KU's most recent long-term plan, the companies revealed that two units at this plant would be retired the first year that any carbon cap goes into effect, and that even the larger unit at this plant is rarely dispatched on an economic basis.

There's no doubt that Kentucky's transition to a clean energy economy will be a rocky road at times. As the coal industry has declined — particularly in eastern Kentucky — unemployment has increased, and communities have suffered. That's why it's so important to invest in transition planning and economic diversification.

Some political leaders, including Gov. Beshear and U.S. Rep. Hal Rogers, have already started the conversation. We need much more. The "Power Plus" plan — which Congress is currently failing to approve -- would provide funding to reclaim abandoned

mines in Appalachia, provide job training to miners, and reform health and pension funds.

The time to act is now. The Clean Power Plan can help Kentucky move toward more affordable, diverse energy sources that save customers money and protects our health. I hope that the leaders of our state take this opportunity to move Kentucky forward.

Thomas Pearce is senior organizing representative for the Sierra Club Beyond Coal Campaign.

Fed Pres. Plosser Says 'Not a Bad Idea' to Raise Rates

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## **Seneca supervisors to consider renewing support for Lago**

By DAVID L. SHAW [dshaw@ftimes.com](mailto:dshaw@ftimes.com)

Posted: Tuesday, August 11, 2015 5:00 pm

WATERLOO — In March 2014, the Seneca County Board of Supervisors passed a motion of support for the proposed Lago Resort & Casino in Tyre.

Tonight, the board will consider another resolution of support, along with support for a gaming license for the proposed casino at Tioga Downs.

The reaffirmation of support for Lago was prompted by a recent court ruling that nullified six town approvals for the \$425 million project due to a violation of the State Environmental Quality Review Act.

The review process has started all over again at the town and county levels, with the developer, Wilmorite Corp. of Rochester, hoping to obtain a state gaming license this fall.

The motion of support calls on the state Gaming Commission “to issue the license to Lago as soon as possible” so people can be hired for the 1,800 construction jobs anticipated.

The motion also supports the state awarding a fourth upstate gaming license to Tioga Downs Raceway and asks the state to establish 90-mile exclusivity zones around the Lago and Tioga casinos that would require their consent to site a Class III gaming facility within those zones.

In other agenda items, the board will:

- **PUBLIC HEARING:** Conduct a public hearing on proposed Local Law E of 2015, which would establish residency requirements for the position of E911 director.

The law would allow people to serve in that position if they live in Seneca County or an adjoining county.

The board is scheduled to vote to adopt the local law later in the meeting.

- **SALES TAX EXTENSION:** Consider a motion to extend the additional 1 percent county sales tax, added to the 3 percent tax imposed in 1982. The additional 1 percent was added in 1992 and needs periodic authorization to be continued. If approved, it would be in effect until Nov. 30, 2017.

- **ADOPT FEES:** Consider a motion to adopt new service fees for in-district users in Seneca County Water District No. 1 and county Sewer Districts No. 1 and No. 2.

The fees would be \$1,500 to tap into and connect to the water or sewer systems, up from \$750. Replacement of damaged meters would be \$75, plus the cost of the new meter, and it would be \$75 to turn meters on and off for seasonal customers; there are currently no charges for those services.

Other proposed fees would include \$75 for a meter test, \$35 for special meter readings when ownership or tenancy changes hands, \$35 for special meter readings and \$25 for returned checks.

- **PAY RAISE:** Consider a salary increase for part-time assistant public defender Stephen Ricci from \$47,054 to \$62,132, retroactive to July 1. The county has received a state grant to pay for the increase. Ricci will be increasing his caseload.

- **ELECTRONICS RECYCLING:** Consider an agreement with Regional Computer Recycling and Recovery of Victor for the annual household hazardous waste collection day. The company would be paid 35 cents per pound, a cost estimated at \$3,500 to \$5,250.

- **SENATE BILL:** Consider a motion opposing a U.S. Senate bill called the "Interior Improvement Act." The bill would amend the 1934 Indian Reorganization Act to "fix" the perceived inequities of the U.S. Supreme Court decision in *Carcieri vs. Salazaar*.

The "fix" would eliminate the term "any recognized tribe now under federal jurisdiction" from the 1934 act and replace it with "any federally recognized tribe."

That amendment would make the Cayuga Indian Nation of New York, headquartered in Seneca Falls, eligible to have land put into federal trust over the objections of local governments.

The Cayugas were not a federally recognized tribe under federal jurisdiction in 1934.

- COMMUNICATIONS: Board members will be notified of an email from Paul Doyle of Romulus regarding leadership of the Seneca County Water and Sewer Districts and a letter from Letitia Gilbert asking the board to consider development of a solar farm at the former Seneca Army Depot in Romulus.
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## **Navajo president: EPA says spill cleanup could take decades**

August 11, 2015

Associated Press

ALBUQUERQUE, N.M. (AP) — Townspeople affected by the millions of gallons of waste spilled from an abandoned gold mine and now flowing through their communities demanded clarity Tuesday about any long-term threats to their water supply.

Colorado and New Mexico made disaster declarations for stretches of the Animas and San Juan rivers and the Navajo Nation declared an emergency as the waste spread more than 100 miles downstream, where it will reach Lake Powell in Utah sometime this week.

EPA workers accidentally unleashed an estimated 3 million gallons of orange-yellow waste, including high concentrations of arsenic, lead and other potentially toxic heavy metals, while inspecting the long-abandoned Gold King mine near Silverton, Colorado, on Aug. 5.

EPA Administrator Gina McCarthy, who plans to tour the damage personally, said Tuesday in Washington, D.C., that she takes full responsibility for the spill, which she said "pains me to no end." She said the agency is working around the clock to assess the environmental impact.

EPA officials said the shockingly bright plume has already dissipated and that the leading edge of the contamination cannot be seen in the downstream stretches of the San Juan River or Lake Powell.



So far, the Bureau of Reclamation has no plans to slow flows on the lower Colorado River, below Lake Powell, where the water is a vital resource for parts of California, Arizona, Nevada, New Mexico and Utah.

Chris Watt, a bureau spokesman in Salt Lake City, said his agency is testing the water at the request of the EPA, and can't discuss the impact without learning the results.

None of this has eased concerns or quelled anger among people in the arid Southwest who depend on this water for their survival.

The Navajos, whose sovereign nation covers parts of New Mexico, Utah and Arizona, shut down water intake systems and stopped diverting water from the San Juan River. Navajo Nation President Russell Begaye told The Associated Press that regional EPA officials told him the cleanup could take decades.

"Decades. That is totally, completely unsettling," Begaye said. "This is a huge issue. This river, the San Juan, is our lifeline, not only in a spiritual sense but also it's an economic base that sustains the people that live along the river. You're taking away the livelihood and maybe taking it away from them for decades. ... That is just, to me, a disaster of a huge proportion. And we have yet to hear from the Obama administration."

Heavy metals from Gold King and other defunct mines in Colorado have been leaching out and killing fish and other species for decades as rain and snowmelt spills from mining operations left abandoned and exposed. The EPA has considered making part of the Animas River in Colorado a Superfund site for a quarter-century.

It would have provided more resources for a cleanup, but some in Colorado opposed Superfund status, fearing the stigma and the federal strings attached, so the EPA agreed to allow local officials to lead cleanup efforts instead.

Now the Attorneys General of Utah, New Mexico and Colorado are coordinating a

response to ensure "whatever remediation is necessary occurs as quickly as possible," Utah Attorney General Sean Reyes said in a statement.

Utah Gov. Gary Herbert expressed disappointment with the EPA's initial handling of the spill, but said the state has no plans for legal action. New Mexico Gov. Susana Martinez, however, said she would not take anything off the table and that the EPA should be held to the same standards as industry.

"Right now we have people preparing for a lawsuit if that is what we need to do," she said Tuesday.

Colorado Gov. John Hickenlooper, himself a former geologist, visited a contaminated stretch of river Tuesday and said he hopes a "silver lining" to the disaster will be a more aggressive state and federal effort to deal with mining's "legacy of pollution" across the West.

The EPA has said the current flows too fast for the contaminants to pose an immediate health threat, and that the heavy metals will likely be diluted over time so that they don't pose a longer-term threat, either.

Still, as a precautionary measure, the agency said stretches of the rivers would be closed for drinking water, recreation and other uses at least through Aug. 17.

Dissolved iron is what turned the waste plume an alarming orange-yellow, a color familiar to old-time miners who call it "yellow boy."

"The water appears worse aesthetically than it actually is, in terms of health," said Ron Cohen, a civil and environmental engineering professor at the Colorado School of Mines.

Tests show some of the metals have settled to the bottom and would dissolve only if conditions became acidic, which Cohen said isn't likely. He advises leaving the metals where they settle, and counting on next spring's mountain snowmelt to dilute them more and flush them downstream.

No die-off of wildlife along the river has been detected. Federal officials say all but one of a test batch of fingerling trout deliberately exposed to the water survived over the weekend.

As a precaution, state and federal officials ordered public water systems to turn off intake valves as the plume passes. Boaters and fishing groups have been told to avoid affected stretches of the Animas and San Juan rivers, which are usually crowded with rafters and anglers in a normal summer.

Farmers also have been forced to stop irrigating, endangering their crops, and recreational businesses report losing thousands of dollars.

"We had lots of trips booked. Right now we're just canceling by the day," said Drew Beezley, co-owner of 4 Corners Whitewater in Durango, Colorado. He said his dozen employees are out of work, and he's lost about \$10,000 in business since the spill.

"We don't really know what the future holds yet," said Beezley. "We don't know if the rest of this season is just scrapped."

Knickmeyer reported from San Francisco. AP writers Lindsay Whitehurst in Salt Lake City, Ivan Moreno and Thomas Peipert in Denver, and Susan Montoya Bryan in Albuquerque, New Mexico, contributed to this story.

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## **Thousands of mines with toxic water lie under the West**

By The Associated Press

updated August 11, 2015 at 9:06 AM

DENVER (AP) — Beneath the western United States lie thousands of old mining tunnels filled with the same toxic stew that spilled into a Colorado river last week, turning it into a nauseating yellow concoction and stoking alarm about contamination of drinking water.

Though the spill into the Animas River in southern Colorado is unusual for its size, it's only the latest instance of the region grappling with the legacy of a centuries-old mining boom that helped populate the region but also left buried toxins.

Until the late 1970s there were no regulations on mining in most of the region, meaning anyone could dig a hole where they liked and search for gold, silver, copper or zinc. Abandoned mines fill up with groundwater and snowmelt that becomes tainted with acids and heavy metals from mining veins which can trickle into the region's waterways. Experts estimate there are 55,000 such abandoned mines from Colorado to Idaho to California, and federal and state authorities have struggled to clean them for decades. The federal government says 40 percent of the headwaters of Western waterways have been contaminated from mine runoff.

Last week, the Environmental Protection Agency was trying to staunch leakage from a gold mine — not worked since 1923 — high in the San Juan mountains of southern Colorado. But workers moving debris from the mine tunnel accidentally opened up the passage, leading to a million gallons of sludge spilling into a creek that carried it into the Animas River. From there the discharge headed toward the Colorado River, which provides water to tens of millions of Westerners.

"The whole acid draining issue is something we struggle with in the western United States," said Bruce Stover, the Colorado Department of Mining official in charge of dealing with abandoned mines in that state.

One of the complicating factors is money and legal liability. Cleaning up the mines is very costly, and the Clean Water Act says that anyone who contributes to pollution of a waterway can be prosecuted for a federal crime, even if they were trying to clean up pollution. That's kept environmental groups from helping the EPA treat water and tidy up mines. Groups for several years have been pushing for a federal law that would let so-called "Good Samaritan" groups help with cleanup without being exposed to legal liability.

"There's still a whole generation of abandoned mines that needs to be dealt with," said Steve Kandell of Trout Unlimited, one of the organizations backing the bill.

But the Wednesday spill from the Gold King mine shows the amount of damage that the slightest cleanup accident can inflict. The mine is one of four outside the old mining town of Silverton that have leaked heavy metals into Cement Creek, which flows into the Animas. Cement Creek is so poisoned that no fish live there and the EPA has long registered abnormal levels of acidity and heavy metals in the upper Animas that have also injured aquatic life.

Downstream, though, the Animas flows through the scenic town of Durango and is a magnet for summer vacationers, fishermen and rafters. The river turned yellow Thursday, emitting a sickening stench and sending water agencies scrambling to shut off the taps from the waterway.

The EPA apologized profusely to residents for both the accident and failing to warn anyone for the first 24 hours. During a town hall meeting in Durango on Friday, a restaurant owner asked the EPA if it would compensate businesses for lost revenue, while officials warned that the river may turn yellow again in the spring, when snowmelt kicks up the settled contaminated sediment.

The history of the Gold King and its neighboring mines is also an example of the difficulty in cleaning up old waste. The EPA had initially tried to plug a leak in another mine that drained into Cement Creek, the American Tunnel, but that simply pushed more contaminated water out of the neighboring mines such as Gold King.

"In this day and age, everyone wants the quick fix, but these things take time," said Jason Willis, an environmental engineer who works with Trout Unlimited in Colorado. "These are site-specific tasks."

Stover said it was particularly galling that the Animas was contaminated by the very chemicals that environmental officials have been trying to remove from its watershed.

"It's very unfortunate," Stover said. "We've been fighting this war for years, and we've lost a battle. But we're going to win the war."

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## **Businesses at Lake Powell unaffected by spill -- for now**

By Jennifer Calfas, 5:34 p.m.

EDT August 11, 2015

USA TODAY

Millions of gallons of mustard-colored wastewater flowing down the Animas River in Colorado are heading toward its next destination: Lake Powell.

The contaminated water, streaming from a spill triggered by the U.S. Environmental Protection Agency's cleanup mistake of the Gold King Mine in Silverton, Colo. on Aug. 5, has since traveled through the Animas River in Colorado and onto the San Juan River in New Mexico.

Lake Powell, a tourism haven and reservoir on the Colorado River along the border of Utah and Arizona, sees about 3 million visitors each year, according to the Utah Travel Agency. But for residents and employees at businesses at the popular destination, it's a waiting game to discover the effect of the spill on the environment and tourism.

Officials say the first signs of the contamination are expected to hit Lake Powell on Wednesday.

"We've got concerned people in the community," said Danny Woods, a fishing guide at This Side of That Guide Service, a fishing company in the area. "This is our livelihood; this is our drinking water; this is our business."

The National Park Service issued a statement urging caution along the San Juan River, which heads toward Lake Powell, on Aug. 7. But the service has yet to release news regarding the condition of Lake Powell. The alert asks park visitors not to swim or drink in water in the San Juan River arm within Glen Canyon National Recreation Area near Lake Powell. The lake is 250 miles away from the site of the spill.

"Most river sediments will settle out of the water when the river current slows at Lake Powell," the statement said.

The National Park Service did not respond to multiple requests for comment on Tuesday.

The EPA announced Monday that only one of 108 fish tested in the Animas and San Juan Rivers died so far due to the contamination. The National Park Service has issued several updates to fishing guides in the Lake Powell area, but has not given released any more news on the possibility of contaminated water reaching the area, Woods said.

The Arizona Department of Environmental Quality announced Monday a team of water quality monitoring professionals will test samples from the Glenn Canyon Dam, which creates Lake Powell. Trebor Baggiore, director of the department's water quality division, said professionals will begin testing water on Wednesday.

"We don't anticipate that there is going to be a significant impact to the Arizona side of Lake Powell," he said.

Gold mine's toxic plume extends to Utah

And Jim Field, a chemical and environmental engineering professor at the University of Arizona, said the contaminated water should be diluted enough not to kill fish by the time it reaches Lake Powell.

“That’s not to say everything’s OK,” Field said. “Obviously it’s going to have an impact, but I don’t think it will be enough to kill fish.”

For other companies in the area, it's business as usual until further notice.

Kyle Williams, a sales representative at Invert Sports, which rents out boats and jet skis at Lake Powell, said customers aren’t fazed by possibility of incoming contaminated water.

“It hasn’t impacted us at all,” Williams said. “Our customers are all good.”

The business has not issued any precautionary measures yet. Williams said he believes the contaminated water won’t reach the Lake Powell area at all in the next few days.

For many businesses targeted toward tourists in the area, the next steps will determined by the National Park Service.

Sally Foti, an information specialist at the Powell Museum in Page, Ariz., said visitors of the museum have asked about the threat of the wastewater spill and how it could affect their stay in the area. Despite their inquiries, she said businesses in the area are at will to recommendations and advisories from the National Park Service — which she said she hopes come in the next few days.

“I don’t really know what is going to happen,” Foti said.

Representatives at two rafting businesses at Lake Powell, Wilderness River Adventures and Colorado River Discovery, echoed Foti's uncertainty, and said they could not comment on the next steps for the businesses if the contamination at Lake Powell posed any threat.



Since the contaminated water came gushing out of the Gold King Mine on Aug. 5, the EPA has issued updates on the status of the contamination as it makes its way through the Animas and San Juan rivers. On Monday, the EPA announced a response team has been put in place to aid communities affected by the Gold King mine water release, and assess the impact of the discharge as it makes its way downstream.

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### **The Latest: EPA chief to visit areas affected by mine spill**

Posted: Aug 11, 2015 11:57 AM EDT

AP/New Jersey Herald

DURANGO, Colo. (AP) - The latest in the Colorado mine spill (all times local):

The head of the U.S. Environmental Protection Agency will visit areas in the Southwest affected by contaminated wastewater that spilled from a Colorado mine.

Gina McCarthy's office announced Tuesday that she would visit Colorado and New Mexico on Wednesday. Congressional members from those states had sent letters to her earlier this week, asking her to come see the extent of the damage firsthand.

The lawmakers said it's critical she sees the need for substantial cleanup efforts.

An EPA-led crew accidentally unleashed 3 million gallons of mine waste last week that turned a Colorado river mustard yellow and traveled downstream.

State and local officials say residents still have questions about when their water will be safe to drink or use for crops or livestock.

McCarthy said she understands the frustrations but that the agency is working around the clock to analyze data.

There are no plans so far to slow water flows on the Colorado River below Lake Powell because of a mine spill upstream in Colorado.

Chris Watt, a spokesman for the Bureau of Reclamation in Salt Lake City, says it's too early to say what the effects of the contamination might be. The agency is testing water at the request of the Environmental Protection Agency.

Utah officials say the progress of the wastewater that was accidentally released by an EPA crew is hard to track because it's been diluted and is no longer the distinct yellow color seen closer to the Colorado spill site.

Calculations indicate the pollution has reached Utah, but tests haven't confirmed it because the water's chemistry has returned to normal.

The waste is expected to reach Lake Powell and then the Colorado River by midweek. The lower stretch of the river serves parts of California, Arizona, Nevada, New Mexico and Utah.

Colorado's governor thinks a mine spill accidentally triggered by an EPA crew will move the state and federal government to more aggressively tackle the "legacy of pollution" left by mining in the West.

Gov. John Hickenlooper said Tuesday that much of the wastewater has been plugged up, but the state and the Environmental Protection Agency need to speed up work to identify the most dangerous areas and clean them up.

The former geologist says that if there's a "silver lining" to the disaster, it will be a new relationship between the state and the EPA to solve the problem.

During a visit to the Animas River in Durango, downstream from the spill, Hickenlooper said tremendous progress has already been made. He hopes the river will be open for recreation in the next few days.

Davis Filfred, a Navajo Nation Council delegate, says residents on the reservation near the Four Corners area who depend on drinking water from a river contaminated by mine waste have 90 days' worth of water in reserve.

Filfred said Tuesday in Utah that he doesn't know how long the reservation could truck in water and that farmers depend on the San Juan River to irrigate about 30,000 acres of crops.

Communities along the Animas and San Juan rivers in Colorado, New Mexico and Utah have been forced to stop using river water after 3 million gallons of wastewater spilled from an old Colorado mine.

Filfred said the tribe is frustrated by a lack of information from the federal government about whether the pollutants are harmful to humans and livestock.

The head of the U.S. Environmental Protection Agency says it "pains me to no end" to see the 3 million gallons of mine waste that has turned a southwest Colorado river into an orange-colored pollution stream.

Gina McCarthy made the comments Tuesday in Washington, D.C., as her agency came under siege after federal and contract workers accidentally unleashed the spill as they inspected an abandoned mine.

She took full responsibility for the spill and said the EPA is working around the clock to assess the environmental impact.

The mine waste contains arsenic, lead and other heavy metals and has flowed at least 100 miles downstream to New Mexico.

McCarthy called the spill tragic and said the agency's commitment is to "get this right and protect public health."

Tuesday marks the first day people affected by a Colorado mine spill can file claims with the U.S. Environmental Protection Agency.

The agency accidentally unleashed the contaminated wastewater last week as federal and contract workers inspected the abandoned mine near Silverton, Colorado. The agency estimates more than 3 million gallons of sludge laden with lead, arsenic and other heavy metals flowed at least 100 miles downstream to New Mexico.

Communities and farmers along the Animas and San Juan rivers were forced to stop using river water, and it's unclear when it will be safe to resume irrigating.

The EPA says it's committed to taking responsibility for the spill and effects to downstream communities.

Colorado's governor is visiting a stretch of river contaminated by yellow wastewater that spilled from an abandoned mine.

Gov. John Hickenlooper began his visit Tuesday with a tour of a fish hatchery in the southwestern city of Durango. Cages have been placed in the Animas River there to catch fish and measure any effects on them from the spill. So far, officials say they see no problems.

Hickenlooper issued a disaster declaration for the area Monday, releasing \$500,000 to assist businesses and towns affected after a federal mine cleanup operation accidentally released millions of gallons of sludge containing heavy metals, including lead and arsenic.

Stretches of the Animas River and the San Juan River it flows into have also been declared disaster areas in New Mexico.

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**Restrictions to remain for rivers hardest hit by Colorado mine waste spill: The San Juan Animas rivers have become contaminated with toxic sludge by the EPA.**

By Steve Gorman

August 11, 9:21pm

Reuters/Metro

(Reuters) - New Mexico officials joined Colorado on Tuesday in declaring an emergency due to toxic wastewater spewing from an abandoned gold mine, a spill that prompted authorities to close two rivers to drinking water and irrigation intakes for at least another week.

The San Juan River and its northern tributary, the Animas River, have been fouled by the release of more than 3 million gallons (11.3 million liters) of acid mine drainage inadvertently triggered by a team of Environmental Protection Agency workers last Wednesday.

The discharge has continued to flow at the rate of about 500 gallons (1,900 liters) a minute from the site of the century-old Gold King Mine, near the town of Silverton in southwestern Colorado, into a stream below called Cement Creek.

From there, the wastewater has washed into the Animas River and into the San Juan River in northwestern New Mexico.

The bright orange contamination plume, containing heavy metals such as arsenic, mercury and lead, has dissipated through dilution as it spreads downstream, with its leading edge no longer visible from aerial surveys, the EPA said

"From initial sampling, as the plume has advanced, we are seeing elevated levels (of contaminants), but as it moves on we are seeing a downward trajectory toward pre-event conditions," EPA chief Gina McCarthy said at a clean-energy event in Washington.

The Animas River in Durango, Colorado, about 50 miles (80 km) south of the spill, had turned bright, lime green by Sunday, and was a darker shade of blue-green by Tuesday, a sign that pollutants were gradually clearing, at least near the surface, said Sijin Eberle, a spokesman for the conservation group American Rivers.

But experts said a long-term concern was the deposit of heavy metals from the spill that had settled into river sediments, where they can be churned up and unleash a new wave of pollution when storms hit or rivers run at flood stage.

An unspecified number of residents who live downstream from the mine and draw their drinking supplies from private wells have reported water discoloration, but there has been no immediate evidence of harm to humans, livestock or wildlife, according to EPA officials.

Still, residents have been advised to avoid drinking or bathing in water drawn from wells in the vicinity, and the government is working to supply water as needed to homes, ranches and farms.

Two Colorado municipalities, including the city of Durango, and the New Mexico towns of Aztec and Farmington have shut off their river intakes, the EPA said.

### ***POSSIBLE LEGAL ACTION AGAINST EPA***

EPA officials said the Animas and San Juan rivers would remain closed until at least next Monday to such uses as the supply of drinking and irrigation water, and fishing and recreation as experts try to gauge safety risks posed by the spill.

Wastewater still escaping from the mine site was being diverted into hastily built settling ponds where the effluent is treated before it empties into Cement Creek, sharply reducing its acidity and metal levels, the EPA said.

New Mexico Governor Susana Martinez declared a state of emergency on Tuesday, freeing up an additional \$750,000 for disaster response, and said she was directing her administration to "be prepared to take legal action against the EPA."

Colorado Governor John Hickenlooper declared his own "state of disaster" emergency on Monday, and vowed to take actions to "make sure this doesn't happen again."

Colorado has more than 4,000 abandoned mines, about 1,100 of them around Silverton, according to American Rivers, which calls those sites "ticking time bombs."

The Navajo Nation has also been affected. Its sprawling reservation is traversed by the San Juan River, which flows through southeastern Utah into Lake Powell.

It was uncertain how far significant contamination from the spill would travel, but EPA officials said on Tuesday the leading edge of the original burst of contamination had moved well beyond Farmington.

(Reporting by Steve Gorman in Los Angeles; Editing by Peter Cooney)

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## **Fearing stigma, Colorado contested Superfund status for mine**

By IVAN MORENO and ELLEN KNICKMEYER (Associated Press)

Updated August 11, 2015 7:27 PM

By The Associated Press )

DENVER - (AP) -- The U.S. Environmental Protection Agency took full responsibility Tuesday for the mine waste spoiling rivers downstream from Silverton, Colorado, but people who live near the idled and leaking Gold King mine say local authorities and mining companies spent decades spurning federal cleanup help.

They feared the stigma of a Superfund label, which delivers federal money up-front for extensive cleanups. They worried that corporations would kill a hoped-for revival in the area's mining industry rather than get stuck with cleanup costs. And some haven't trusted the federal government, townspeople say.

The EPA pushed anyway, for nearly 25 years, to apply its Superfund program to the Gold King mine, which has been leaching a smaller stream of arsenic, lead and other wildlife-killing heavy metals into Cement Creek. That water runs into the Animas and San Juan rivers before reaching Lake Powell and the lower Colorado River, a basin serving five states, Mexico and several sovereign Native American nations.

As millions of gallons of spilled sludge spread hundreds of miles downstream Tuesday, officials from the century-old mining towns of southwest Colorado defended their opposition to federal help.

Mining companies don't like to invest in Superfund sites because they're heavily scrutinized and more costly to develop, said Ernest Kuhlman, a San Juan County commissioner and Silverton's former mayor.



Also, the stigma could have scared away rafters and anglers who helped bring \$19 billion in tourism money to Colorado last year.

"How many people want to go to a Superfund site for tourism or recreation?" Kuhlman asked.

Now they've got a bigger problem: Last Wednesday, a small EPA-supervised work crew inspecting the Gold King mine accidentally knocked a hole in a waste pit, releasing at least three million gallons of acidic liquid laden with toxic heavy metals. Dissolved iron in the waste plume -- familiar to miners as "yellow boy" -- turned the area's scenic waterways a shocking orange hue.

The EPA ordered stretches of the rivers closed for drinking water, recreation and other uses at least through Monday. Colorado and New Mexico made disaster declarations. The Navajo Nation declared an emergency, saying that at least 16,000 of its people, 30,000 acres of crops and thousands of livestock survive on water that's now off-limits.

In Washington, EPA administrator Gina McCarthy took full responsibility, saying "I am absolutely, deeply sorry that this ever happened." She planned to tour Farmington and Durango, two of the cities most affected by the orange sludge.

Since 1980, Superfund designation has helped remove or contain hazardous waste posing immediate dangers to human health. New York's Love Canal, where hundreds of families had to be evacuated from homes built over a former chemical dump, spurred its creation, and many still associate that scandal with the program.

Asked if Superfund designation could have helped to prevent this accident, regional EPA administrator Shaun McGrath indicated it could have.

"Being listed under a national-priorities list ... makes available to a clean-up effort

resources under the Superfund, which are significant resources," McGrath said. "And it does allow for potentially more extensive clean-up."

Fears that a Superfund site nearby will sink property values and chase away investment are common in America; numerous studies have explored this topic. But "normally, people want it to be cleaned, so if that's the best way of moving through it, generally communities want" Superfund designation, said Katherine Kiel, who teaches at the College of the Holy Cross in Worcester, Massachusetts.

As many as 500,000 mines have been abandoned in the U.S., legacies of the booms and busts that follow swings in metals prices, according to the U.S. Bureau of Land Management. Many date to the late 1800s, and have been exposed to the elements for many years, their tunnels filling with snowmelt and rain that leaches underground.

Bill Simon, a coordinator for the Animas River Stakeholders Group, said clean-up negotiations have focused on 33 of the most contaminated mines and 34 mine waste sites, out of an estimated 3,000 in the Animas river basin, but work has been stalled by questions about who will ultimately pay for it.

The biggest Superfund proponents, he said Tuesday, are from downstream communities who fear pollution from mines will harm their economy, and want federal help to clean it up as quickly and effectively as possible.

On the other side are people in Silverton who fear reduced property values and a loss of local control to a federal bureaucracy, Simon said, and they're backed by some of the world's biggest mining interests.

In 2011, Canada's Kinross Corporation, which owns the area's Sunnyside mine, offered \$6.5 million to help clean mining waste from the upper Animas River, while vowing to "vigorously contest" any effort to make Sunnyside liable for Superfund-related clean-up costs.

Sunnyside has yet to spend the money, but continues to support a "collaborative approach" among various parties, Sunnyside reclamation director Kevin Roach said in an email Tuesday.

Mark Esper, editor of the Silverton Standard & the Miner's newspaper, hopes the spill will soften suspicions of federal involvement.

"One of the biggest concerns you hear about Superfund is, "Oh, the bad publicity we get," Esper said. "Well, it can't get much worse than this right now, frankly."

Knickmeyer reported from San Francisco and Moreno from Denver. Contributors include Michael Biesecker in Washington, Lindsay Whitehurst in Salt Lake City, Colleen Slevin in Denver, Susan Montoya Bryan in Albuquerque, and Matthew Brown in Billings, Montana.

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## **First responders to fire can breathe easy, officials claim**

By JENNIFER AMATO

August 12, 2015

Sentinel

Although township, county and federal officials are stating there are no health concerns related to the North Brunswick warehouse fire, preliminary screenings have been set up for North Brunswick employees and first responders.

Firefighters were equipped with their protective gear during the nine-alarm blaze that was battled from about 1:30 a.m. July 22 through July 26 at 1600 Livingston Ave., but law enforcement officers and other employees who worked extended shifts in the area of the 1-million-square-foot warehouse were not outfitted with masks and such.

An exact number of workman's compensation claims was not disclosed as of press time, but any police officers, Department of Public Works employees, emergency management staff, township personnel, volunteer firefighters, volunteer rescue squad members and other volunteers on site were offered screenings about three days after the fire was declared out to create a baseline in case of any long-term concerns, Lombard said.

The examinations serve "as a precautionary measure being provided by the township's insurance fund," Lombard explained. "There are no known after-effects that we're hearing at this point."

Responders from outside the township are not covered by North Brunswick's insurance carrier, however.

Nor are residents, who should contact their own medical insurance or property insurance carriers if any respiratory problems are suspected, Lombard said.

Despite the screenings, township officials are standing by their original statement that there is little concern to anyone involved with the fire, based on environmental testing conducted by county and federal agencies.

The U.S. Environmental Protection Agency (EPA) was one of the first agencies on scene just hours after the fire was reported.

Neil Norrell, an on-scene coordinator for the EPA, said air monitoring was conducted at the fire site, which he explained as a realtime snapshot of air quality.

"It helped us give the firefighters and local departments information as the fire was ongoing," he said.

EPA set up different instruments that kept track of readings and averaged them at five locations downwind of the fire, Norrell said.

The instruments checked levels of chemicals, such as chlorine and cyanide, and particulates, which are components of smoke that are combusted as the fire burns.

Particulates are a complex mixture of extremely small particles and liquid droplets such as acids like nitrates and sulfates, organic chemicals, metals, and soil or dust particles, according to the EPA's website.

EPA officials had the ability to read the instruments from a remote location, Norrell said. They were also able to move monitors and change signals based upon wind direction — which he said changed at least twice before the fire was declared out on July 26.

“We didn’t see any high readings that caused any concern” in terms of chemicals, Norrell said, but he added the thick black smoke caused “very heavy” particulate concentrations.

“As the fire was put out, there was less and less smoke generated, and you see the numbers go lower and lower and lower. The lower the numbers, the less the threat,” he said.

According to the New Jersey Department of Environmental Protection’s (DEP) Air Monitoring department, there is a permanent fine particulate (PM2.5) monitor located off Ryders Lane on the Cook College campus of Rutgers University, which is closest to the fire, DEP Press Director Bob Considine said — though it is not located downwind from where the fire occurred.

However, the 24-hour PM2.5 average concentrations from this monitor ranged from 4.6 micrograms/cubic meter to 15.7 micrograms/cubic meter from July 22 to July 29, according to Considine.

“These concentrations are equivalent to good and moderate air quality levels,” he said.

It is not known if any representatives from DEP were monitoring on site.

In addition, Middlesex County HazMat did set up monitors early during the fire to supplement the EPA monitoring, according to county health officials.

The analysis of the air monitoring readings was performed by EPA, DEP, HazMat and the Middlesex County Office of Health Services. References from the Centers for Disease Control, National Institute of Occupational Health and Safety and the U.S. Occupational Health and Safety Administration (OSHA) were used to determine action levels to protect public safety, county health officials said. Therefore, township fire officials called for the immediate evacuation of the nearby residential complexes due to the proximity of the buildings to the fire, according to information provided by the Middlesex County Department of Public Safety and Health. A combined effort of local, county, state and federal officials ordered the secondary evacuation and establishment of an American Red Cross shelter at Linwood Middle School as a precautionary measure due to smoke and particulates in the smoke.

“We are grateful we didn’t have any readings that would’ve required any further business or residential evacuations,” Lombard said.

Lombard said that two of the buildings in the back of the complex caught fire, one on the roof and one on the siding. He said due to embers flying around the property and a concern of other fires starting, residents were evacuated in the immediate vicinity.

“The evacuation was not related to smoke as much as to fire,” he said.

Although Lombard did acknowledge that there was “definitely a noticeable odor,” especially when the area of the plastics manufacturing company was on fire, he said, “We were advised by environmental personnel that if there were any kind of gases or emissions, they would be traveling up.”

He said most of the wind was directed west to east, except for after sunset when the cooler weather caused a smoky haze.

Norrell clarified that there is no set guideline for keeping a safe distance from a fire, but that the determination of how far to stay from the scene depends more upon wind patterns because "that is where the smoke is going to go."

In terms of residual follow-up with the residents of the Hearthwood condominium complex, Lombard said that there have only been one or two complaints about soot on the walls or the smell of smoke.

He said the township is in discussions with the property owner about which entity will be entertaining any claims by residents or other parties.

In terms of emergency services personnel, firefighters were wearing protective gear so they should have been protected in the depths of the fire, according to Norrell.

"First responders, we weren't that concerned about them ... because they have protective equipment," he said.

"Our concern was with folks downwind of the fire because they don't have the same protective equipment."

Going forward, according to Norrell, air sampling — or sending results to a laboratory for analysis after the fact — is not necessary in this situation because "once the fire department declares a fire out and there is less danger from smoke particulates, there really is no further need for monitoring."

“At this point with the fire out and no more smoke in the area, there is really no reason for more air sampling or monitoring. There will be really nothing else for us to find,” he said.

The Middlesex County Department of Health stated that any air quality monitoring during the cleanup would be overseen by North Brunswick.

An official report from the EPA is not available because Norrell explained that the instrument readings do not provide validated data, as they have not been analyzed by a laboratory. However, Middlesex County is awaiting a summary report on air quality from the EPA and a report on groundwater from DEP, county officials said.

DCH Collision Center is a multi-tenanted warehouse building that dates to the 1930s, when it was originally a Studebaker factory.

The eight tenants of the building included Achim Import, the recently closed DCH Collision Center/Brunswick Toyota Body Shop, Fabian Transport, Hja Logistics, Aflex, Jordan Accessories, DMD Mechanical General Contractors and a car export company.

North Brunswick Fire Marshal Craig Snediker did not know if there were any structural concerns, such as asbestos or lead in the paint, since the building was so old.

The arson investigation is complete, Lombard said, but investigators from the North Brunswick Fire Marshal's Office, the North Brunswick Detective Bureau and the Middlesex County Prosecutor's Office are now looking at other causes of the fire source, he said.

To compensate for costs related to the fire, the Township Council amended its 2016 budget to include \$170,000 in incurred expenses, including overtime. Lombard said the township is looking for the property owners to reimburse the township for some extraordinary expenses for the fire and for the evacuation of residents who were downwind of the fire.



Contact Jennifer Amato at [jamato@gmnews.com](mailto:jamato@gmnews.com).

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## **What was that brown plume in the bay?**

Erik Larsen, @Erik\_Larsen

11:01 p.m. EDT August 11, 2015

Asbury Park Press

SEASIDE PARK – New Jersey Transportation Commissioner Jamie Fox said Tuesday that a brown plume in Barnegat Bay last week, which emanated from his agency's 8th Avenue pump station, was not sewage or pollution of any kind.

"I need to be crystal clear on this, the water coming from the pump on 8th Avenue was most certainly not sewage," Fox said in a prepared statement. "The (state) Department of Environmental Protection and Ocean County both tested the water and found it safe. The public's health and safety is always our first concern."

Pump stations were incorporated into the state Department of Transportation's Route 35 reconstruction design after superstorm Sandy, in order to drain excess stormwater runoff into the bay, to prevent flooding on the northern barrier island during heavy rains.

In the statement, the commissioner said the department investigated the cause of the plume to make sure its equipment was operating properly. Fox said the plume was the result of silt that built up in the system from months of construction activity in the area. Silt from the bay floor was then turned up by the force of the water exiting the outfall pipe from the station.

## **From Brick Superfund site to solar farm**

The DEP and Ocean County authorities tested the water and preliminary results have found that the water is safe and there were no increased levels of bacteria present, according to the statement.

To help reduce pollution from the runoff, the new drainage system includes 76 manufactured treatment devices (MTDs) that separate trash, oils, and sediment out of the water before it flows into the bay. This is the first time stormwater runoff going into the bay will be filtered and cleaned, improving the quality of water discharged into the bay, the statement said.

Jeff Tittel, director of the New Jersey Sierra Club, said in his own statement that the Transportation Department has done next to nothing to help mitigate stormwater runoff and is actually increasing pollution at its “failed” pump stations.

“Runoff from the road including oil, gasoline, and antifreeze are major sources of pollution,” Tittel said. “They could have fixed pollution and flooding problems by offering a new plan for stormwater management, but instead they came up with ineffective drainage systems. One DOT pump station on Rt. 35 caused a plume is six blocks long. The pumps run constantly and carry more siltation into the bay then it did before the storm.”

The statement from the Transportation Department said it was in the process of cleaning manholes and pipe joints, and applying hydro-cement to ensure there are no leaks in the system. While this work is ongoing, the drainage system and pump stations remain operational. As workers seal and inspect the system, some water is still being cleared from the pumps throughout the day, much like a basement sump pump. Once the pipe sealing is complete, the pumps should run less frequently. In addition, the department also will be laying a broken stone/concrete matting on the bay floor to prevent the bay bottom from being disturbed, all according to the statement from Fox.

“The new underground storm water drainage system is a tremendous enhancement over what existed prior to this project,” Fox said. “This system is designed to handle 25-year storms, while the previous drainage could only handle 2-year storms. It is important for everyone to remember that we are still working on the system. As we continue to

work on the system there is a possibility more silt is turned up, but we can ensure that there is no impact to the bay or the public, and that this is not dangerous.”

Tittel said: “The administration (of Gov. Chris Christie) should have elevated the road to make it more resilient, which would decrease flooding when we have heavy rains. As they rebuild, they should have hardened the road to prevent from washouts and flooding. This is more about looking good, than actually doing good. Doing the same thing in the same way is not going to make the commute to the Shore any easier. Instead all the money we are spending has been washed out to sea with the next storm.”

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